
Canvassing Kansas



An update on election news in Kansas

Published by Secretary of State Ron Thornburgh

March 1996

PPP is repealed in '96

After an attempt to kill the Kansas Presidential Preference Primary (PPP) forever, the Kansas Legislature settled instead to forego the election in 1996 only.

Secretary of State Ron Thornburgh was disappointed the 1996 PPP was cancelled but was grateful that the Legislature acted swiftly.

"I strongly support the PPP, but I appreciate the Legislature moving its process along so we didn't spend large sums of money for an election we weren't going to conduct," Thornburgh said.

SB 543 that would have canceled the presidential preference primary indefinitely was introduced into the Senate on January 26, 1996. The bill was later amended to resume the PPP

in the year 2000, but still cancel it for 1996. The bill was passed by the full Senate on February 7, 1996, and by the House on February 9. Governor Bill Graves signed the bill into law on February 12, effective upon publication in the Kansas Register on February 15. There were 24 candidates that had filed to run in the PPP. The Secretary of State's office will be issuing refund checks to all the candidates.

The bill also lapsed the \$1.4 million dollars in funding for the PPP. The bill, as it was introduced, would have allocated \$900,000 for aid to counties in implementing the National Voter Registration Act (NVRA). This part of the bill was removed by Senate Ways & Means

Committee. There is no NVRA legislation as yet, but hopefully the funding will be reconsidered if and when the NVRA bill passes.

Secretary Thornburgh, vice-chair of the National Association of Secretaries of State on presidential primaries, is studying the possibility of a regional primary made up of several Midwestern states to be held earlier in the presidential election year. There is support in the legislature for such a system.

Candidates file for '96

As of February 19, there have been 50 candidates file for state offices. There have been 23 candidates file for the Kansas Senate, 19 Republicans and 4 Democrats. Of the 16 candidates that have filed for the Kansas House, there have been 10 Republicans, 5 Democrats, and 1 independent. Seven candidates have filed for District Magistrate Judge, two for District Court Judge, and four for the Kansas State Board of Education.

The filing deadline for the August 6 primary is noon, Monday, June 10. Independent nomination petitions are due at noon, Monday, August 5. Preparation for the August 6 primary will begin after the June 10 deadline.

Election Calendar

Monday, June 10 - Noon ... Primary Filing Deadline
Wednesday, July 17 Begin Mailing Advance Voting Ballots
Monday, July 22 Last Day to Register or Change Party Affiliation
Tuesday, July 30 Advance Voting In Person Must Begin
Monday, August 5 - Noon . Deadline for Independent Candidates to File Petitions
Tuesday, August 6 Primary Election Day

Wednesday, October 16 Begin Mailing Advance Voting Ballots
Monday, October 21 Last Day to Register or Change Party Affiliation
Tuesday, October 29 Advance Voting In Person Must Begin
Tuesday, November 5 General Election Day

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REMINDERS...

□ The next central voter registration database is due from each CEO as of April 1, 1996. (See K.S.A. 25-2304(b) and K.A.R. 7-23-13.) This is a year of campaigns and elections, so it is imperative that we receive each county's report as soon as possible after April 1, July 1, and October 1. Candidates, political parties and other organizations will be requesting the data for their political efforts, and we must be able to give it to them. We request your help in resolving data processing problems if you've had them recently and in getting timely reports to us.

□ The next state motor-voter statistical report also will be due after April 1, 1996. This report should cover the period from January 1 through March 31, 1996. A report form is being sent by our office.

□ If a county conducts a question submitted election on whether to establish corporate swine or dairy production facilities, the CEO must report the results of the election to our office for publication in the *Kansas Register*. See K.S.A. 17-5907 (d) and (e); K.S.A. 17-5908 (c) and (d). If you have conducted such an election, please send the results to us as soon as possible, unless you have already done so.

Voter outreach effort continues

In the December, 1995, edition of this newsletter we introduced our 1996 voter outreach program. The program represents an increase in effort over previous years, and our plan is more comprehensive and systematic than before.

Secretary of State Thornburgh appointed a Voter Outreach Task Force to critique the ideas he presented and to offer new suggestions. The Task Force met three times in late 1995 and January, 1996. Soon we will assemble the input received from various sources and revise our plan and distribute it to anyone who wishes to use it.

Components of the plan include:

- a "Vote '96" brochure for distribution through various means

- a "Vote '96" logo
- articles on advance voting and other topics for inclusion in newsletters and local newspapers
- a speaker's bureau of SOS personnel to speak upon invitation, as schedules permit
- election fact sheets
- public service announcements
- a series of voter tidbits or interesting facts to be printed in newspapers, designed to pique voters' interest
- an SOS worldwide web home page site

Some of the materials, such as the brochure, will be printed in limited quantities by the SOS office. They will be offered in camera-ready form to anyone who wishes to print a supply for themselves or their organization.

Candidate filings

From page one

State and federal candidates must file their declaration of intention with the Secretary of State's office. County and local candidates must file with their county election officer. State and federal candidates may have their filing signature attested in the county election office, but it is the candidate's responsibility that the declaration of intention be filed with the Secretary of State's office.

Candidates for state or federal office that choose to run by nomination petitions must file their petitions with the Secretary of State. The Secretary of State's office will then send the petition to the appropriate county or counties for signature verification. By law, the Secretary of State must determine the validity of the petition within 10 days.

All candidates are responsible for the \$30.00 report fee. Petition candidates are exempt from the filing fee.

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Revamping the primary system

Dear Friends,

As you know, the 1996 Kansas Presidential Preference Primary (PPP) has been canceled. While I support the PPP, I appreciate the Kansas Legislature acting swiftly to repeal it this year before a large expenditure of money was committed to the election. Unfortunately, I believe the PPP was canceled for the wrong reasons.

Opponents of the PPP say it is too expensive, it is too late in the process and it is non-binding. While there is merit in some of these objections, I believe canceling elections is a dangerous precedent. Furthermore, I reject many of the reasons for canceling the primary.

How much should democracy cost? Can we truly put a price tag on the people's right to express their opinion on who should hold the highest office in the land? Those who cite cost as the only reason for canceling elections should consider the greater price many Americans have paid so that we have the right to vote.

Perhaps the Kansas primary was scheduled too late in the 1996 primary process to have a national impact. However, with Senator Dole's campaign performing below expectations in both Iowa and New Hampshire, the Republican primary is not as settled as many originally thought. Regardless, Kansas will never be earlier than Iowa or New Hampshire, and we cannot compete against many states for candidate interest with our small number of delegates. I suggest three ways to remedy this situation:

- 1 Hold a Midwestern regional primary comprising states of similar demographics and interests.
- 1 Don't start the primary season so early and hold the larger primaries later in the year.
- 1 Work with the political parties to make the primaries binding.

I currently serve as vice chairman of a national panel reviewing the presidential primary system. The three components of my proposal will be addressed by the committee later this year, and I am hopeful progress will be made toward revamping the current primary system. The committee will meet again in April, and I would enjoy receiving input from those of you with suggestions on improving the primary system.

Sincerely,

RON THORNBURGH
Secretary of State

NVRA implementation progresses

Progress continues toward implementation of the National Voter Registration Act (NVRA) in Kansas. In the December, 1995, issue of this newsletter we reported on the lawsuit filed against the Governor and Secretary of State to force full compliance with the NVRA.

We reported then that the federal judge handling the case had issued a temporary injunction ordering our office to begin implementation. As everyone is aware by now, the NVRA is a federal law which technically applies only to federal elections, and the judge's injunction applies only to federal elections.

This creates a dual system where a person who registers to vote on the new universal form designed by the Federal Election Commission would be registered to vote only in federal elections in Kansas. As our office receives these federal-only applications, we have been forwarding them to the appropriate CEO with a letter recommending that the applicant be sent a Kansas registration application form to get the person registered for all elections. Until recently, all such federal-only applications came from military recruitment offices; now, however, they are beginning to come from other sources, such as privately-run registration drives, some of them being conducted out of state.

Efforts continue toward passage by the Kansas Legislature of 1995 House Bill 2079, which would put Kansas into full compliance with the NVRA and eliminate the dual system. Several hearings have been held on the bill in the Senate Elections Committee this month, and there appears to be increasing support for passage in light of the lawsuit and injunction. Our office continues to recommend the Legislature appropriate money to help counties offset their first-year start-up costs of NVRA. A recent attempt by the Senate Committee to do so has been stopped for the time being. Senate Bill 543, which cancelled the 1996 presidential preference primary (PPP) and lapsed the \$1.4 million funding for the PPP, would have appropriated \$900,000 of the money to counties for NVRA costs. That provision was stripped from the bill by the Senate Ways and Means Committee, but it is possible they will

reconsider such funding if the NVRA implementation bill becomes law.

One important aspect of implementing the NVRA is working with CEOs to design the best plan. To that end, members of the SOS office met on January 8 at the Shawnee County election office with the CEO NVRA Committee, chaired by Marilyn Chapman of Sedgwick County. We presented to committee members drafts of manuals and forms we intend to distribute to all persons involved in implementing and maintaining the NVRA program. We are revising the manuals based on comments received.

Secretary of State Ron Thornburgh also convened the Secretary of State's Advisory Panel to lend advice on the implementation plan. The Advisory Panel had met several times in 1993 to formulate an NVRA plan, but had not met since December, 1993, because implementing legislation had failed to pass the Kansas Legislature. The Panel met in Topeka on February 8 this year to discuss the status of the NVRA in Kansas and to review the manuals and forms discussed above. The Advisory Panel is composed of representatives of state agencies affected by the NVRA, county officers, state and federal legislators, and other offices such as the U.S. Postal Service. Comments on the manuals, forms and overall plan were solicited in an attempt to finalize the plan before training sessions were conducted.

As of this writing, we have scheduled a training session to be conducted by videoconference on March 6. All CEOs and others involved in NVRA implementation have been contacted and asked to attend at one of six sites. The sessions will originate from Topeka, with five simultaneous remote video locations across the state.

After the training sessions, all aspects of the NVRA will be considered to be in effect in Kansas. Phasing in of the new registration application form, revised registration procedures, list maintenance and provisional voting procedures will be adopted and used by all persons concerned with registering voters or conducting elections during the 1996 election year.

Legislative



Update

The Secretary of State's office expends considerable effort each year to track elections-related bills through the legislative process. We try to keep county election officers aware of bills that might affect them, especially the bills that become law. Following is a list of bills currently being followed. There are a number of additional ethics and campaign finance bills that are not listed; if they are enacted we'll try to update you.

HB 2079—This is the 1995 bill requested by the SOS to implement the National Voter Registration Act in Kansas. Passed by House last year, currently being considered in Senate Elections Committee.

HB 2386—This is a 1995 bill that would change the Kansas electoral system from a closed primary to a blanket primary. It would allow any registered voter to vote for any primary in any race regardless of party affiliation or lack thereof.

HB 2856—This 1996 bill would change the corporate swine and dairy farming laws to allow corporate farming to be established in a county only by petition and election, not by county commission resolution. It also allows an election to be held at least a year after establishment of corporate farming to let voters decide whether it should continue in the county.

HB 2868—This 1996 bill would amend the advance voting statutes to require an advance ballot return envelope to contain an additional line where the voter could indicate if the voter received assistance in marking the ballot and who provided the assistance.

HB 2971—This 1996 bill would affect the election of local school board members. It would eliminate Plans A and B from the methods of election. All USDs would elect board members by Plan C after July 1, 1996.

HB 3000—This is a comprehensive ethics and campaign finance bill. It requires organizations supporting or opposing local candidates and ballot questions to file reports with the CEO and the SOS. It changes the system of lobbyists registering with and reporting to SOS. It requires local officials and employees of government to report all travel over 50 miles to the CEO, and it requires the same reports to the SOS for state officials and employees.

HB 3002—Another ethics and campaign finance bill. It requires organizations formed to support or oppose local candidates or ballot questions to appoint

treasurers and file periodic campaign finance reports with the CEO.

HCR 5035—This 1996 House concurrent resolution would amend the Kansas Constitution to allow 17 year old persons who will be 18 by the next general election to vote in that year's primary election.

SB 397—This 1996 bill would allow voters who change addresses to complete an affidavit at the poll on election day and then vote. Failure or refusal to complete the affidavit would not invalidate the ballot.

SB 398—This 1996 bill affects challenged ballots. It requires the SOS to adopt rules and regulations prescribing a process so challenged ballots and envelopes are numbered too allow identification of the voter in the case of a contested election. The identity of the voter would have to be secret unless a court ordered a review of the ballot in a contest.

SB 543—This is the bill that canceled the presidential preference primary for 1996. As amended, the bill would resume the primary in 2000 and every four years thereafter. The bill was signed into law by the Governor on February 12.

SB 544—This 1996 bill was requested by the SOS to allow county election officers to appoint 16 and 17 year persons to serve on precinct election boards.

SB 600—This 1996 bill affects corporate swine and dairy farming (See also HB 2856 above.) The bill would allow county commissions to rescind resolutions that established corporate farming. The action to rescind would be subject to protest petition.

SB 671—This 1996 bill was requested by the SOS. It affects advance voting, and would allow a county election officer to convene the special election board before election day to prepare mailed advance ballots for the canvass.

SB 689—This 1996 bill would prohibit the printing of the candidate's city of residence beside the candidate's name on ballots in local elections.

SB 690—This 1996 bill would change the Kansas electoral system from a closed primary to an open primary (See also HB 2386 above.) It would allow any registered voter to vote for the candidates of the political party of the voter's choice.

SB 691—This 1996 bill would move the August primary from the first Tuesday in August to the fourth Tuesday in August.

Legal Advice:

How and when the secretary of state's office can help

Several new county election officers have been appointed since last summer, when Secretary of State Ron Thornburgh outlined this office's policy regarding legal advice. (See *Canvassing Kansas*, June 1995, Page 2).

With the 1996 primary election season quickly approaching, we have summarized Ron's column in the hopes it will be educational for some and a reminder for others.

Most of the time, our office is able to assist you with your legal questions by talking about your particular situation and applying the statutes to those facts. However, we walk a fine line when your question asks for legal advice. In other words, when the statutes do not provide a clear answer, but rather require us to provide an interpretation. Or, when you ask hypothetical questions, or "What do (or should) I do?" In order to answer these types of questions, we have to give you

legal advice, which is not something we are legally authorized to do.

After discussing the situation with you, we may determine you are not asking for legal advice, and be able to provide you with an answer. But if you are asking for legal advice, we will ask that you talk to your attorney or county counselor. Or, we may refer you to the attorney general's office. That state agency, not the secretary of state, is empowered to issue opinions on legal questions.

We hope you don't regard a referral to your county legal advisor as an attempt by our office to avoid answering your questions. We want to provide you with assistance and answers whenever we can. But you need to consult with the person elected or employed by your county to answer your legal questions. You must rely on this person's opinion, as this is the person who will defend your actions if challenged.

Recall petition process reviewed

The December 1995 issue of *Canvassing Kansas* contained an article on the increasing popularity of recall efforts around the state. That article briefly discussed a recent Kansas Court of Appeals case (Case no. 73,258; November 3, 1995) which invalidated K.A.R. 7-28-1 in its application to petitions for recall of *local* officers.

The basis for the court's ruling rests on the fact that recall is a fundamental right guaranteed by Article 4, section 3 of the Kansas Constitution. Statutes governing the exercise of that right must be "liberally construed" in favor of the ability to conduct a recall effort. K.S.A. 23-2524, which specifies the signature requirements for recall petitions for a local officer, does not specifically require a signer's address to be identical to the signer's address as registered. Therefore, the portion of K.A.R. 7-28-1 which says to count a signature if the last name and address are identical to those listed in the registration book, even though the first name uses initials, is invalid because the statute does not require the address to be identical.

The Secretary of State's office continues to study this opinion and its impact on the petition process, because every petition procedure authorized by statute does not necessarily involve the exercise of a funda-

mental right. In the meantime, we offer the following suggestions:

1. When counting signatures on a petition, review the statute which specifies the petition requirements to see what requirements are mandatory. For example, a recall petition for a *state* officer states that a signer should sign his name and address "as the same appears on the voter registration books." This appears to be a mandatory requirement.
2. Save a questionable signature for last. You will probably, in most cases, have enough signatures without having to evaluate the questionable signature.
3. If you do have to evaluate a questionable signature, ask your county attorney or county counselor for an opinion on whether the signature should be counted. Your legal counsel can evaluate the applicable statute, the case law, make a determination whether a fundamental right is being exercised, and, if so, advise you to err on the side of counting the signature if you can identify the signer as a qualified elector in the election district, notwithstanding technical problems in the way the petition was signed.

New clerks enjoy job

The two new county clerks who have recently taken office say they are enjoying their new jobs and seem to be fitting in nicely.

Before becoming the Osborne County clerk, Sandy Trail served as editor of the Osborne County Farmer. Sandy was born and raised in Hays, where she also received her degree in mathematics from Fort Hays State University. Sandy has four children: Spring, Robyn, Dusty, and Brooke. Although it can get hectic sometimes, Sandy says she welcomes the challenges her new job brings.

Experience was not a concern when Teri Van Wey took the reins of the Smith County clerkship. Having previously served as deputy county clerk since March of 1980, she was the logical choice to take the job after the untimely passing of Terry Kugler.

Teri grew up in Smith Center and received her degree from Brown Mackey Business College in Salina. She is an avid walker and in her spare time enjoys reading. She also has experience in training dogs for the handicapped and currently owns her own dog that she has trained for professional competition.

Reining in your workaholics

Do you have workaholics among your employees? Some signs to look for:

- They seem uninterested in family life, friends and leisure time.
- They work as hard during the slow periods as they do when you're busy.
- They rarely say no to more work than they can handle.
- They often eat on the job, and then sparingly.

To help get them off the too-fast track:

- Make sure your workplace is not so competitive that employees feel driven to outperform one another.

■ Praise employees who balance work with a life outside the workplace.

■ Take stock of the work flow. Perhaps you're asking some employees to do more than a fair share.

■ Help them set priorities. They should understand that all work does not require the same amount of intensity and time.

■ Explain that you'll measure their performance by the quality of their work, not by the hours and energy they spend completing tasks.

Source: *Employee Relations Bulletin*, 24 Rope Ferry Road, Waterford, CT 06386

Reprinted in: *communication briefings*, Alexandria, VA 22314

In memory...

State Loses Friend and Colleague

Election officials statewide were recently saddened to hear of the sudden passing of a friend and colleague.

Terry Edwin Kugler, 51, died on December 26, 1995, at the Smith County Memorial Hospital.

Aside from serving as Smith County clerk since January 1981, Terry also taught mathematics at the Portis and Osborne schools, was a member of the Lions Club, and was a devoted member of the Church of the Nazarene.

Terry's influence and presence will be greatly missed throughout the state by those he worked with and those who counted on him as a friend.

Take a look at your KASH

You should periodically review your KASH -- knowledge, attitude, skills and habits -- to make sure they're not holding you back. Ask yourself and those close to you:

- ◆ Do I need to increase my knowledge base?
- ◆ Should I change or refine any of my attitudes?
- ◆ Would I be wise to develop new skills?
- ◆ Do I have any habits I should break?

Source: Sales Lead Report, 1739 Havemeyer Lane, Redondo Beach, CA 90278